

REMARKS

Claims 1-36 and 40-63 are pending in the application. Claims 1-36 and 40-63 are rejected.

Claims 1, 7, 12, 13, 19, 23-25, 29, 34, 35, 40, 43, 44, 46, 50-52, 57, 58, 62 and 63 are rejected under 35 USC 103(a) as being unpatentable over Manico et al. ('692) in view of Shiota.

Claims 2-6, 14-18, 26-28, 30, 36, 41-45 and 53-56 are rejected under 35 USC 103(a) as being unpatentable over Manico in view of Shiota as applied to claims above, and further in view of Manico et al. ('870).

Claims 8, 20, 31, 37 and 59 are rejected under 35 USC 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Werner.

Claims 9, 10, 21, 22, 32, 33, 48, 49, 60 and 61 are rejected under 35 USC 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Combs.

The Examiner in the Official Action has rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota. The Examiner cites Manico for illustrating an album leaf and acknowledges that it fails to teach or suggest the providing of a person's second icon for identifying first and second sources of the memory images on the photographic sheet. The Examiner then relies on Shiota as disclosing a photographic sheet comprising an icon with an image ID (65) inside the silhouette (60a, 61a). Applicant respectfully submits that Shiota reference is not relevant to the present invention. In particular, Shiota teaches an apparatus and system for printing an index print on a continuous sheet of photographic media. The images are printed along with an index print of the images provided thereon. There is no teaching or suggestion in Shiota of providing an album leaf nor does it teach or suggest providing of icons as taught and suggested by Applicant. In particular, the reference numeral (55) provided thereon in Shiota, relates to the position of the images. The references to (65) are simply to frame numbers of the images that originate from the roll of film. (See column 5, lines 46-57). There is no teaching or suggestion of providing an icon on the index print of Shiota for identifying the source of the image from which it came, nor does it provide the location of the image on the

album leaf. In this regard, there would have to be provided some type of information on the index print, indicating where on the index print a particular image is provided. However, since Shiota does not have an icon, it could not teach or suggest the claimed limitation.

The Examiner also rejects claims under 35 U.S.C. 103(a) as being unpatentable over Manico in view of Shiota applied above and further in view of Manico ('870). The ('870) is directed to providing a holder (24) for holding a plurality of filmstrips. A scanner may scan the holder having the enclosed gum strips to produce an index print such as illustrated on Figures 9A, B and C. However, the index prints illustrated in Figures A, B. and C, do not teach or suggest providing an icon to identify specific associated image and location on the album leaf as taught and claimed by Applicant.

The Examiner has also rejected claims 8, 20, 31, 37 and 59 under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota and further in view of Wemer. The Wemer reference does not teach anything additional that would render the independent claims obvious.

The Examiner in response to Applicant's previous arguments states that a recitation with respect to the manner in which a claimed apparatus is intended to be employed, does not differentiate the claimed apparatus from a prior art satisfying the claimed structural limitation. In this regard, Applicant respectfully submits that the limitations as set forth by the Applicant, i.e., that the images originate from more than one source is a positive limitation describing the plurality of images on the album leaf and therefore, cannot be disregarded as a limitation. Further, claim 1 specifically sets forth that the icon is associated with at least one of the plurality of images and uniquely identifies the source from which at least one associated image originates and the location of the image on the album leaf. These are positively written limitations that must be considered in determining patentability. Thus, independent claim 1 includes specific positive limitation not taught or suggested by the prior art and therefore, must be considered.

Independent claims 13, 25, 35, 40, 52 and 53, as amended, include limitation similar as that set forth in independent claim 1 and are differentiated over the prior art for the same reasons discussed above.

In summary, Applicant respectfully submits that the claims in present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.